

## **REMARKS**

Claims 1-20 are currently pending in the application. Applicant requests consideration of the application in light of the following remarks:

### **Discussion of Smith Reference**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

A *prima facie* case of obviousness under 35 U.S.C. §103 may only be established if three basic criteria are met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

During prosecution of the parent application (serial no. 10/211,169), the Examiner rejected the independent claims of the parent application under 35 U.S.C. §102(b) as being anticipated by Smith (U.S. Patent No. 5,363,726, hereinafter "Smith") in an Office Action mailed June 4, 2003. Now, independent claims 1, 7, and 10 are presented in the application.

In particular, Applicant claims in independent claims 1 and 10 (emphasis added) either a manually-powered drive device or a manually-powered drive device assembly, each comprising, among other patentably distinct features:

a transmission assembly comprising **a transmission shaft extending**

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laterally in the intermediate frame portion and configured to laterally slide between alternate positions, the transmission shaft comprising a first circumferential recess spaced apart from a second circumferential recess along a portion of the transmission shaft; and

a transmission selector spring, wherein a distal end portion thereof resiliently flexes and removably slidably couples within one of the first circumferential recess and the second circumferential recess as the transmission shaft is laterally slid between alternate positions, thereby selecting the desired rotational direction for manipulating fasteners.

Please refer to Applicant's specification at page 41, line 11 to page 16, line 43 and in FIGS. 2-3 for an illustrative example (emphasis added):

Generally, manually-powered drive device 2 serves to convert squeezing motion and driving force initiated by trigger assembly 8 into motion and driving force that is transmitted throughout the remainder of the drive train. Removable wand assembly 120, which may be coupled at one end with drive assembly 100 and at the other end with socket drive bit 138 or any other drive bit, transmits the motion and driving force received from the drive train to manipulate a particular fastener.

More particularly, wand assembly 120 may be directly, removably coupled with drive assembly 100. Next, socket drive bit 138 of FIG. 1 may then be removably coupled within drive opening 130 by axially slidably inserting the drive hub of socket drive bit 138 into drive opening 130. Thus, the drive axis of drive assembly 100 extends at a substantially perpendicular angle to the drive axis of socket drive bit 138, rather than being aligned therewith. This can greatly increase accessibility, as well as the convenience of operating manually-powered drive device 2.

Thereafter, transmission shaft 64 may be laterally slid into the position representing the desired direction of rotation of box end wrench drive assembly 126, either clockwise or counterclockwise, for manipulating fasteners. For example and as depicted in FIG. 3, when a clockwise rotational direction of box end wrench drive assembly 126 is desired to install a fastener, an operator presses transmission selector puck 69 to laterally slide transmission shaft 64 until transmission selector puck 69 is substantially flush with the surface of housing 3. Simultaneously and automatically, the protruding end portion of transmission selector spring 106 resiliently flexes and removably slidably fits within circumferential, curvilinear recess 65 of transmission shaft 64. Thus, transmission shaft 64 is thereby removably locked into position so that bevel gear 102 of drive assembly 100 is engaged with bevel gear 57 of transmission assembly 50.

The boxlike portion of wand housing 122 then may be moved transversely into a small clearance space which exists adjacent one end of a fastener, thereby enabling socket drive bit 138 to be aligned with the fastener, and then moved

axially into engagement with the fastener. Next, geared trigger 22 may be compressed so that its integral, arcuate gear rack effects rotation of clutch assembly 30. The rotatable driving of clutch assembly 30 effects rotation of idler assembly 90, and it in turn effects rotation of transmission assembly 50. The rotatable driving of transmission assembly 50 effects rotation of drive assembly 100, which then in turn effects rotation of drive shaft 136 and bevel gear 134. The rotatable driving of bevel gear 134 effects clockwise rotation of box end wrench drive assembly 126 and socket drive bit 138 to install the fastener.

When a counterclockwise rotational direction of box end wrench drive assembly 126 is desired to uninstall a fastener, an operator presses transmission selector puck 68 to laterally slide transmission shaft 64 until transmission selector puck 68 is substantially flush with the surface of housing 3. **Simultaneously and automatically, the protruding end portion of transmission selector spring 106 resiliently flexes and removably slidably fits within circumferential, curvilinear recess 66 of transmission shaft 64. Thus, transmission shaft 64 is thereby removably locked into position so that bevel gear 102 of drive assembly 100 is engaged with bevel gear 56 of transmission assembly 50.** Then, in the same manner as described above, a counterclockwise rotation of box end wrench drive assembly 126 and socket drive bit 138 is effected to uninstall the fastener.

Additionally, Applicant claims in independent claim 7 (emphasis added) a manually-powered drive device comprising, among other patentably distinct features:

a first drive assembly extending coaxially in the barrel portion of the housing, the first drive assembly comprising a first bevel gear coupled to a first drive puck, the first drive puck defining a central aperture in a distal end thereof for both removably coupling with and transmitting motion and driving force to a removable attachment tool; and

a second drive assembly extending in the intermediate frame portion between any acute angle and any obtuse angle to the first drive assembly, the second drive assembly comprising a second bevel gear coupled to a second drive puck, the second drive puck defining a central aperture in a distal end thereof for both removably coupling with and transmitting motion and driving force to a removable attachment tool.

Please refer to Applicant's specification at page 38, line 8 to page 39, line 12 and in FIG. 11 for an illustrative example (emphasis added):

For the exemplary purposes of this disclosure, manually-powered drive device assembly 5 may include manually-powered drive device 7 and Philips drive bit 140 in operative conjunction with one another. Manually-powered drive device 7 is similar to manually-powered drive device 2 as previously described, but also includes drive assembly 101 in addition to drive assembly 100. Drive assembly

101 may be similar to drive assembly 100 as previously described or may comprise any other suitable components or configuration as known and understood by those of ordinary skill in the art provided that the components and configuration selected are consistent with the intended mechanical operation of a manually-powered drive device of the invention. For example, a bevel gear of drive assembly 101 may be configured to operatively engage at a right angle with opposing bevel gears of a transmission assembly, and drive assembly 101 may extend in the intermediate frame or receiver portion of the housing, or adjustably extend in the intermediate frame or receiver portion of the housing by a ratcheting mechanism or any other mechanism known in the art, between any acute angle and any obtuse angle to drive assembly 100. Notwithstanding, as depicted in FIG. 11 and for the exemplary purposes of this disclosure, drive assembly 101 may extend substantially perpendicular to drive assembly 100 and may include drive puck 111 similar to drive puck 110. Philips drive bit 140, or any other drive bit or wand assembly 120 for that matter, when removably coupled with either drive puck 110 of drive assembly 100 or drive puck 111 of drive assembly 101, transmits the motion and driving force generated initially by squeezing the trigger assembly to the particular fastener which is being manipulated. Furthermore, the twin drive assemblies 100 and 101 of manually-powered drive device 5 may allow, for example, wand assembly 120 to be removably coupled therewith in a plurality of orientations to facilitate the installing and removing of fasteners in a variety of places, orientations, and applications.

Smith does not expressly or inherently describe the features of claims 1, 7, and 10, let alone in as complete detail as is contained therein. Instead, Smith discloses only one drive shaft 18 (the closest, yet remarkably different, component to Applicant's claimed first drive assembly) and a means for selective engagement 45 comprising a reversing plate 48 having a slot 47 for engaging a swing arm 49 that moves opposite rotating conical gears 32,34 into engagement with a conical gear 28 mounted to the drive shaft 18 (the closest, yet remarkably different, means to Applicant's claimed transmission shaft and transmission selector spring).

Specifically, Smith states:

The differential gear means 31, as best shown in FIGS. 4 and 5, comprises a conical gear 28 fixedly mounted on a proximal end 30 of the drive shaft 18, held in rotational position by bearings 20, for rotation therewith, a pair of bevel gears 32, 34 selectably engagable with the conical gear 28, each serving to drive the conical gear 28 in an alternate respective

rotational sense, means for selective engagement 45 (see FIG. 6) of a desired one of the bevel gears 32, 34 to engage the conical gear 28, and means for coupling 42, a ratchet gear, of the drive gear 44 to the bevel gears 32, 34. The bevel gears are mounted on a common shaft 36 held in the housing by laterally placed bearings 38 and 40, and are laterally slidable between alternate positions engaging the one or the other of the bevel gears 32, 34 with the conical gear 28. The means for selectably engaging 45 a desired one of the bevel gears 32, 34 with the conical gear 28 includes an idler gear 46 rotationally engaged on a swing arm 49 adapted for moving the idler gear 46 laterally for engaging the one or the other of the pair of bevel gears 32, 34. As best shown in FIG. 6, the engaging means 45 preferably includes a reversing plate 48 having a positioning slot 47 adapted for engaging the swing arm 49, as the reversing plate 48 slides on the housing 12 in linear motion, the swing arm 49 being forced to move laterally in correspondence with it. The positioning slot 47 preferably has an elongated "Z" shape providing a pair of laterally positioned slot legs 51 interconnected by a diagonal slot leg 53, the swing arm 49 providing a follower pin 55 (FIG. 5) engaged with the positioning slot 47 such that linear sliding motion of the plate 48 causes the swing arm 49 to shuttle between the leg slots 51. The leg slots correspond with the desired alternate bevel-conical gear engagement 28-32, 28-34. The reversing plate is sandwiched between the housing and a cover plate held by screws, but is able to slide over a limited linear distance necessary to move the follower pin from one slot leg 51 to the other slot leg and back again for rotational sense changes. Column 3, line 35 to Column 4, line 6 and FIGS. 1 and 4-6 (emphasis added).

Accordingly, Smith does not teach having and the advantages of having more than one drive shaft 18, let alone “a first drive assembly extending coaxially in the barrel portion of the housing” and “a second drive assembly extending in the intermediate frame portion between any acute angle and any obtuse angle to the first drive assembly”, each drive assembly comprising a “bevel gear coupled to a [] drive puck, the [] drive puck defining a central aperture in a distal end thereof”. Furthermore, Smith does not teach a transmission shaft and transmission selector spring, “wherein a distal end portion [of the transmission selector spring] resiliently flexes and removably slidably couples within one of the first circumferential recess and the second circumferential recess as the transmission shaft is laterally slid between alternate positions”. Thus, focusing on Applicant’s claimed invention in claims 1, 7, and 10 as a whole, it is clear that

Applicant's claimed invention is more than just a trivial step forward in the art, but is a *bona fide*, nonobvious, technical accomplishment or advance in the art, and without the benefit of Applicant's disclosure, the foregoing specific combination of features claimed by Applicant in independent claims 1, 7, and 10 would not be known.

### **Conclusion**

In summary, none of the references cited by the Examiner in the parent case or any other known prior art, either alone or in combination, discloses the unique combination of features disclosed in Applicant's claims on file. Therefore, Applicant's claims are in condition for allowance. Such allowance at an early date is respectfully requested.

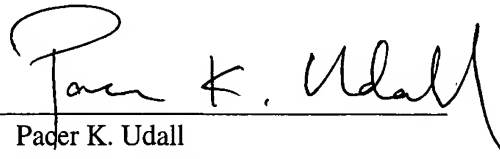
Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: December 4, 2003

By: \_\_\_\_\_

  
Pader K. Udall  
Reg. No. 50,976

**SCHMEISER, OLSEN & WATTS LLP**  
18 East University Drive, #101  
Mesa, AZ 85201  
(480) 655-0073

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